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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,051	04/08/2004	Aldo Salvestro	91443 MGB	7338
1333	7590	01/24/2006	EXAMINER	
BETH READ PATENT LEGAL STAFF EASTMAN KODAK COMPANY 343 STATE STREET ROCHESTER, NY 14650-2201			CULLER, JILL E	
			ART UNIT	PAPER NUMBER
			2854	
				DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/820,051	SALVESTRO, ALDO
	Examiner	Art Unit
	Jill E. Culler	2854

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 01 November 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-34 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-2, 8-16, 24 and 29-31 is/are rejected.
- 7) Claim(s) 3-7, 17-23, 25-28 and 32-34 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 April 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. 10/271,991.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-2, 9, 14-16, 24, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,846,691 to Cusdin et al.

With respect to claims 1-2 and 9, Cusdin et al. teaches a method for making an imaged flexographic printing sleeve, the method comprising the steps of: a) providing seam layout information representing an arrangement of one or more precursor sections on a sleeve substrate based on at least an image to be imaged on the flexographic printing sleeve, see column 6, line 66 – column 7, line 4; b) automatically cutting a flexographic printing precursor into the one or more precursor sections using a controllable cutting device responsive to the seam layout information, see column 7, lines 5-8; c) creating a flexographic printing sleeve by attaching the one or more precursor sections to the sleeve substrate, see column 7, lines 8-11, and d) digitally imaging the flexographic printing sleeve. See column 7, lines 12-34.

Cusdin et al. does not explicitly teach a controllable cutting device responsive to the seam layout information, as in step b).

The courts have held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art, see MPEP 2144.04.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to automate the process of Cusdin et al. in order to cut the precursor sections more efficiently and accurately.

With respect to claims 14 and 24, any device upon which the one or more precursor sections are attached to the sleeve substrate would be considered to be a mounting device and therefore, as Cusdin et al. teaches the mounting of the precursor sections it inherently teaches a mounting device as well.

With respect to claim 15-16, Cusdin et al. teaches determining registration information representing the arrangement, see column 3, lines 40-44, and further defining the arrangement from at least an image to be imaged on the flexographic printing sleeve, see column 6, line 66 - column 7, line 2.

With respect to claim 29, Cusdin et al. teaches printing registration marks on the sleeve substrate prior to the attaching of the one or more precursor sections to the sleeve substrate, the printing being done in accordance with the registration information. See column 3, lines 30-38.

With respect to claims 30-31, Cusdin et al. teaches applying an adhesive layer to an outer surface of the sleeve substrate or an inner surface of the one or more precursor sections prior to attaching the one or more precursor sections to the sleeve substrate. See column 3, lines 44-49.

3. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cusdin et al. in view of U.S. Patent No. 6,472,121 to Murphy et al.

Cusdin et al. teaches all that is claimed, as in the above rejection of claims 1-2, 9, 14-16, 24, and 29-31 except that the step of imaging is performed by ablation, wherein the ablation comprises ablating a UV opaque mask layer on the one or more precursor sections while the one or more precursor sections are attached to the sleeve substrate, or the ablation comprises directly engraving the one or more precursor sections wherein the ablation is performed while the one or more precursor sections are attached to the sleeve substrate.

Murphy et al. teaches printing plate precursor imaging performed digitally and by ablation, wherein the ablation comprises ablating a UV opaque mask layer on the one or more precursor sections while the one or more precursor sections are attached to the sleeve substrate, or the ablation comprises directly engraving the one or more precursor sections wherein the ablation is performed while the one or more precursor sections are attached to the sleeve substrate. See column 8, line 10-60.

It would have been obvious to one having ordinary skill in the art at the time of the invention to use the imaging techniques of Murphy et al. with the method of Cusdin et al. in order to more precisely provide the images on the printing plate.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cusdin et al., as applied to claims 1-2, 9, 14-16, 24, and 29-31 above, and further in view of U.S. Patent No. 4,643,094 to Holmstrom

Cusdin et al. teaches all that is claimed, as in the above rejection of claims 1-2, 9, 14-16, 24, and 29-31, except at least a part of the arrangement of the one or more precursor sections is in the form of one of: a) lanes and b) a staircase shape.

Holmstrom teaches a printing plate with seams in a staircase shape. See column 2, lines 36-52 and Figures 1-3.

It would have been obvious to one having ordinary skill in the art at the time of the invention to arrange the precursor sections of Cusdin et al. to have a staircase shape, as taught by Holmstrom, in order to improve the fitting of the edges.

#### ***Allowable Subject Matter***

5. Claims 3-7, 17-23, 25-28 and 32-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: With respect to claims 3 and 17, the prior art does not teach or render obvious a method for making an imaged flexographic printing sleeve as claimed particularly including the steps of displaying a preview of an image to be imaged and defining the arrangement based on the preview. With respect to claims 4 and 19, the prior art does not teach or render obvious a method for making an imaged flexographic printing sleeve

as claimed particularly including the step of deriving seam layout information according to an algorithm. With respect to claim 25, the prior art does not teach or render obvious a method for making an imaged flexographic printing sleeve as claimed particularly including a mounting device which is responsive to the registration information. With respect to claim 32, the prior art does not teach or render obvious a method for making an imaged flexographic printing sleeve as claimed particularly including the step of printing reference indicia or characters on the precursor sections.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (571) 272-2159. The examiner can normally be reached on M-F 10:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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